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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 6th December, 1957:

BILL* No. 88 OF 1957

A Bill to provide for the distribution of a part of the net proceeds of certain Union duties of excise among the States.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Union Duties of Excise (Distribution) Act, 1957. Short title.

2. In this Act, the expression “distributable Union duties of excise” means twenty-five per cent. of the net proceeds of the duties of excise levied and collected under the Central Excises and Salt Act, 1944, on matches, sugar, tobacco, vegetable product, coffee, tea, paper and vegetable non-essential oils as defined in Items Nos. 2, 8, 9, 11, 13, 14, 21 and 23, respectively, of the First Schedule to that Act. Definition.

3. During each financial year commencing on and after the first day of April, 1957, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2:— Distribution of a part of the Union duties of excise among the States

TABLE

| 1 | 2 |
|----------------|------------|
| State | Percentage |
| Andhra Pradesh | 9.38 |

*The President has, in pursuance of clauses (1) and (3) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill

| 1 State | 2 Percentage | |
|-------------------|-----------------|----|
| Assam | 3.46 | |
| Bihar | 10.57 | |
| Bombay | 12.17 | 5 |
| Kerala | 3.84 | |
| Madhya Pradesh | 7.46 | |
| Madras | 7.56 | |
| Mysore | 6.52 | |
| Orissa | 4.46 | 10 |
| Punjab | 4.59 | |
| Rajasthan | 4.71 | |
| Uttar Pradesh | 15.94 | |
| West Bengal | 7.59 | |
| Jammu and Kashmir | 1.75 | 15 |

Expenditure
to be charged
on the Con-
solidated
Fund of
India.

Power to
make rules.

4. Any expenditure under the provisions of this Act shall be expenditure charged on the Consolidated Fund of India.

5. (1) The Central Government may, by notification in the Official Gazette, make rules providing for the time at which and the manner in which any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters.

(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Repeal.

6. The Union Duties of Excise (Distribution) Act, 1953, is hereby repealed.

3 of 1953..

STATEMENT OF OBJECTS AND REASONS

At present 40 per cent. of the net proceeds of Union duties of excise on matches, tobacco and vegetable product is distributed among the States. The Second Finance Commission have recommended that from the 1st April, 1957, 25 per cent. of the duties on these commodities and on coffee, tea, paper, sugar and vegetable non-essential oils should be distributed to the States. The Bill provides for the payment to the States from the Consolidated Fund of India of a part of the Union duties of excise as recommended by the Finance Commission.

T. T. KRISHNAMACHARI.

NEW DELHI;

The 25th November, 1957.

FINANCIAL MEMORANDUM

The provision of the Bill will involve additional payment from the Consolidated Fund of India to the States of a sum of Rs. 5·16 crores in the current year. Against the sum of Rs. 22·64 crores which the State Governments get now, they will receive Rs. 27·80 crores during 1957-58 and Rs. 29·76 crores in each subsequent year at the current level of taxation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules in respect of matters specified therein. They relate to the time at which and the manner in which any payments are to be made to the States, the making of adjustments between one financial year and another and other incidental and ancillary matters. The matters in respect of which rules might be made are of a routine and administrative character. Moreover, the rules to be made shall be subject to the scrutiny of Parliament. The delegation of legislative power is thus of a normal character.

BILL NO. 94 OF 1957

A Bill further to amend the Indian Penal Code, the Prevention of Corruption Act, 1947, and the Criminal Law Amendment Act, 1952.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Criminal Law Amendment Act, 1957.

Amendment
of section 21,
Act 45 of
1860.

2. In section 21 of the Indian Penal Code,—

5

(a) after clause *Eleventh*, the following clause shall be inserted, namely:—

“Twelfth.—Every officer in the service or pay of a local authority or of a trading corporation established by a Central, Provincial or State Act or of a Government company as defined in section 617 of the Companies Act, 1956.”;

1 of 1956.

(b) after *Explanation 3*, the following *Explanation* shall be inserted, namely:—

‘Explanation 4.—The expression “trading corporation” includes a banking, insurance or financial corporation, a river valley corporation and a corporation for supplying power, light or water to the Public’.

3. In the Prevention of Corruption Act, 1947,—

Amendment
of Act 2 of
1947.

(a) in section 5, for sub-section (2), the following sub-sections shall be substituted, namely:—

5 “(2) Any public servant who commits criminal misconduct in the discharge of his duty shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and shall also be liable to fine:

10 Provided that the court may, for any special reasons recorded in writing, refrain from imposing a sentence of imprisonment or impose a sentence of imprisonment of less than one year.

15 (2A) Where a sentence of fine is imposed under sub-section (2), the court, in fixing the amount of fine, shall take into consideration the amount or value of the property which the accused person has obtained by committing the offence of criminal misconduct or where the conviction is based on the presumption under sub-section (3), the pecuniary resources or property referred to in that sub-section for which the accused
20 person is unable to account satisfactorily.”;

(b) after section 7, the following section shall be inserted, namely:—

45 of 1860. 25 “8. Notwithstanding anything contained in any law for the time being in force, a statement made by a person in any proceeding against a public servant for an offence under section 161 or section 165 of the Indian Penal Code or under sub-section (2) of section 5 of this Act, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not
30 subject such person to a prosecution under section 165A of the said Code.”

Statement by
bribe giver
not to subject
him to pro-
secution.

4. In the Criminal Law Amendment Act, 1952, in section 8, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment
of section 8,
Act 46 of
1952.

5 of 1898 35 “(3A) In particular, and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of Section 350 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to the proceedings before a Special Judge, and for the purposes of the said provisions a Special Judge shall be deemed to be a magistrate.”

STATEMENT OF OBJECTS AND REASONS

Experience gained from the efforts made by Government to deal with the evil of corruption in the public services has revealed the need for some amendments in the Criminal Law. It is necessary to bring within the scope of the anti-corruption law the employees of statutory trading corporations and Government companies, and also to ensure that adequate punishment is awarded in cases of proved corruption and that the prosecution of such cases is not unnecessarily delayed. The present Bill is designed to achieve these objects.

G. B. PANT.

NEW DELHI;

The 29th November, 1957.

Notes on clauses

Clause 2.—The scope and variety of Government's activities are rapidly expanding and a great deal of public money and public property is now managed by statutory authorities and Government undertakings. Measures to prevent and combat corruption are no less necessary in this field than in the case of activities conducted directly through Government channels. The extension of the definition of "public servant", as proposed in this clause, will bring the employees of such bodies under the purview of the Indian Penal Code and the Prevention of Corruption Act.

Clause 3(a).—Experience has shown that there is a tendency among the courts to deal too leniently with public servants convicted under the Prevention of Corruption Act. Even where imprisonment is awarded, the period is frequently too small to have adequate punitive or deterrent effect and the amounts of fine imposed are frequently grossly incommensurate with the corrupt gains. Sub-clause (a) of clause 3 will result in ensuring that adequate punishment is awarded in cases of proved corruption.

Clause 3(b).—Since the introduction of section 165A of the Indian Penal Code, persons offering illegal gratification to public servants have become more reluctant to come forward to give evidence. This is because on his own admission in court such a person becomes liable for prosecution under that section. This clause will afford the necessary protection to the persons whose evidence has been utilised in court for the prosecution of corrupt public servants.

Clause 4.—Section 350 of the Code of Criminal Procedure permits a magistrate who has to deal with a case which has already been partly heard by another magistrate to act on the evidence recorded by his predecessor. Under the Criminal Law Amendment Act, 1952, offences relating to corruption have to be tried by Special Judges who follow the procedure applicable to warrant cases. Conflicting views have been expressed by different High Courts on the question whether a Special Judge dealing with a case partly heard by another Special Judge can act on the evidence recorded by his predecessor. This clause is intended to place the matter beyond doubt.

BILL No. 96 OF 1957

A Bill to provide for the transfer of the Fund known as the Countess of Dufferin's Fund to the Central Government.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Countess of Dufferin's Fund Act, 1957.

Definitions. 2. In this Act, unless the context otherwise requires,— 5

(a) "Association" means the National Association for Supplying Medical Aid by Women to the Women of India, being a society registered under the Societies Registration Act, 1860; 21 0 1860.

(b) "Fund" means all property, movable or immovable, of or belonging to the Association; 10

Dissolution of Association and transfer of Fund. 3. On the commencement of this Act—

(a) the Association shall stand dissolved;

(b) the Fund shall vest in the Central Government; and

(c) all the debts and liabilities of the Association shall be 15 transferred to the Central Government and shall thereafter be discharged and satisfied by it out of the Fund.

4. Notwithstanding anything contained in any law for the time being in force, all acts and things done, before the commencement of this Act, by any person acting or purporting to act in pursuance of the Resolutions passed at the extraordinary general meeting of the Association held on the 19th day of April, 1948, shall be valid and shall be deemed always to have been valid and no suit or other proceeding shall be instituted, maintained or continued against any person whatever on the ground that any such act or thing was not done in accordance with law.

Validation of certain acts done before the commencement of this Act.

5

STATEMENT OF OBJECTS AND REASONS

The National Association for Supplying Medical Aid by Women to the Women of India was established in 1885 with the object of imparting medical education to women, rendering medical relief, and supplying nurses and midwives for hospitals and private work. In 1888, the Association was registered as a Society under the Societies Registration Act, 1860 (21 of 1860). The fund which was raised by public subscriptions both in India and the United Kingdom, was known as "The Countess of Dufferin's Fund" and was managed by the Association. After partition it became necessary to wind up the Association. The Association passed a resolution to this effect on the 19th April, 1948. This Bill seeks to provide for the transfer of the assets and liabilities of the Association to the Central Government. It also seeks to provide for the validation of all action taken since the 19th April, 1948.

NEW DELHI;

D. P. KARMARKAR.

The 28th November, 1957.

BILL* No. 97 OF 1957

A Bill to provide for the distribution of the net proceeds of the estate duty and the tax on railway passenger fares among the States.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957. Short title.

5 2. In this Act,—

Definitions.

34 of 1953

(a) "estate duty" means the estate duty levied under the Estate Duty Act, 1953, in respect of property other than agricultural land;

(b) "State" does not include a Union territory;

25 of 1957

10 (c) "tax on railway passenger fares" means the tax levied under the Railway Passenger Fares Act, 1957.

15 3. (1) During each financial year commencing on and after the 1st day of April, 1957, the net proceeds of the estate duty levied and collected during that financial year shall, after deducting therefrom a sum equal to one per cent. of the said proceeds as being attributable to Union territories, be distributed among the States in accordance with the provisions of sub-section (2). Distribution of net proceeds of estate duty assigned to the States.

(2) Out of the total amount falling to be distributed in any financial year under sub-section (1),—

20 (a) the amount attributable to immovable property shall be distributed among the States in proportion to the gross value of

*The President has, in pursuance of clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

the immovable property situated in the respective States as determined in respect of that financial year;

(b) the balance shall be distributed among the States as follows:—

| <i>State</i> | <i>Percentage</i> ⁵ |
|-------------------|--------------------------------|
| Andhra Pradesh | .. 8.76 |
| Assam | .. 2.53 |
| Bihar | .. 10.86 |
| Bombay | .. 13.52 |
| Kerala | .. 3.79 ¹⁰ |
| Madhya Pradesh | .. 7.30 |
| Madras | .. 8.40 |
| Mysore | .. 5.43 |
| Orissa | .. 4.10 |
| Punjab | .. 4.52 ¹⁵ |
| Rajasthan | .. 4.47 |
| Uttar Pradesh | .. 17.71 |
| West Bengal | .. 7.37 |
| Jammu and Kashmir | .. 1.24 |

(3) For the purposes of this section,—

²⁰

(a) “amount attributable to immovable property” means an amount which bears to the total amount distributable in any financial year under sub-section (1) the same proportion which the gross value of all immovable property situated in the States bears to the gross value of all property, movable and immovable, so situated, as determined in respect of that financial year;

(b) “gross value”, in relation to movable or immovable property, means the total value of all movable property or, as the case may be, of all immovable property, passing on the death of any person as determined by the Controller under the Estate Duty Act, 1953;

^{34 of 1953}

(c) “immovable property” does not include agricultural land.

4. (1) In respect of each of the financial years commencing on the 1st day of April, 1953, 1954 and 1955, the net proceeds of the estate duty levied and collected during that financial year shall, after deducting therefrom a sum equal to two and three quarter per cent. of the said proceeds as being attributable to Part C States, be distributed among the Part A States and Part B States in the same manner as the percentage of the net proceeds of taxes on income ⁴⁰

Special provision for distribution of net proceeds of estate duty in respect of financial years 1953-54 to 1956-57.

falling to be distributed under clause (2) of article 270 of the Constitution has been distributed among those States in respect of that financial year.

(2) In respect of the financial year commencing on the 1st day of April, 1956,—

(a) seven-twelfths of the net proceeds of the estate duty levied and collected during the said financial year shall, after deducting therefrom a sum equal to two and three quarter per cent. of the said proceeds as being attributable to Part C States, be distributed among the Part A States and Part B States in respect of the first seven months of the said financial year in the same manner as the percentage of the net proceeds of taxes on income falling to be distributed under clause (2) of article 270 of the Constitution has been distributed among those States in respect of the said seven months, and

(b) five-twelfths of the net proceeds of the estate duty levied and collected during the said financial year shall, after deducting therefrom a sum equal to one per cent. of the said proceeds as being attributable to Union territories, be distributed in respect of the remaining five months of the said financial year, in the same manner as the percentage of the net proceeds of taxes on income falling to be distributed under clause (2) of article 270 of the Constitution has been distributed among the States in respect of the said five months.

(3) The provisions of this section shall be deemed to have had effect from the date on which the Estate Duty Act, 1953, came into force.

5. During each financial year commencing on and after the 1st day of April, 1957, the net proceeds of the tax on railway passenger fares levied and collected during that financial year shall, after deducting therefrom a sum equal to one quarter per cent. of the said proceeds as being attributable to Union territories, be distributed among the States as follows:—

Distribution of net proceeds of the tax on railway passenger fares assigned to the States.

| | State | Percentage |
|----|----------------|------------|
| 35 | Andhra Pradesh | .. 8.86 |
| | Assam | .. 2.71 |
| | Bihar | .. 9.39 |
| | Bombay | .. 16.28 |
| | Kerala | .. 1.81 |

| <i>State</i> | <i>Percentage</i> |
|----------------|-------------------|
| Madhya Pradesh | .. 8·31 |
| Madras | .. 6·46 |
| Mysore | .. 4·45 |
| Orissa | .. 1·78 5 |
| Punjab | .. 8·11 |
| Rajasthan | .. 6·77 |
| Uttar Pradesh | .. 18·76 |
| West Bengal | .. 6·31 |

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules providing for the manner in which the gross value of property is to be calculated, for the time at which and the manner in which any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters. 15

(2) All rules made under this section shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. 20

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to lay down the principles of the distribution among the States of the net proceeds of the estate duty on property other than agricultural land and the tax on railway fares, except in so far as those proceeds represent proceeds attributable to Union territories. The principles of distribution embodied in the Bill are those recommended by the Second Finance Commission and accepted by Government. Under article 269(2) of the Constitution, the principles of distribution of these taxes have to be formulated by Parliament by law.

T. T. KRISHNAMACHARI.

NEW DELHI;

The 28th November, 1957.

Notes on clauses

Clause 3.—This provides for the distribution of the net proceeds of estate duty from the current financial year on the basis suggested by the Finance Commission.

Clause 4.—Estate duty was actually levied in 1953-54, but pending the formulation of the principles of distribution by law, the net proceeds have been provisionally distributed in the manner prescribed for the distribution of the net proceeds of taxes on income assigned to the States under article 270(2) of the Constitution. This clause formally ratifies the provisional distribution as recommended by the Finance Commission.

Clause 5.—This provides for the distribution of the tax on railway passenger fares as suggested by the Finance Commission.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules in respect of certain matters specified therein. They relate to the manner in which the gross value of property is to be calculated, the time at which and the manner in which any payments under this Act are to be made, the making of adjustments between one financial year and another and other incidental and ancillary matters. The matters in respect of which rules may be made are of a routine and an administrative character. Moreover, the rules to be made shall be subject to the scrutiny of Parliament. The delegation of legislative powers is thus of a normal character.

BILL No. 73 of 1957

A Bill to introduce equal pay for equal work for women workers.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Equal Remuneration Act, 19

(2) It extends to the whole of India except the State of Jammu 5
and Kashmir.

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, notify.

Definitions.

2. In this Act,—

(1) “appropriate Government” means—

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(a) in relation to any Central undertaking, the Central Government; and

(b) in relation to all other undertakings, the State Government.

(2) “agriculture” means any form of farming including the 15
cultivation and tillage of the soil, dairy farming, the produc-
tion, cultivation, growing and harvesting of any agricultural or
horticultural commodity, the raising of livestock, bees or poul-
try and any practice performed by the farmer on a farm as
incidental to or in conjunction with farming operations, in- 20
cluding any forestry or timber operations and the preparation

for market and delivery to storage or to market or carriage for transportation to market of farm produce.

5 (3) "competent authority" means the authority appointed by the appropriate Government by notification in the Official Gazette.

(4) "employer" means any person who employs, whether directly or through any person, one or more employees in any industry or agriculture.

10 (5) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes co-operative societies, shops and stores and any calling, service, employment or industrial occupation or avocation of workmen.

(6) "prescribed" means prescribed by rules made under this Act.

15 (7) "wages" means all remuneration, capable of being expressed in terms of money or kind which would if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of her employment or work done in such employment.

20 (8) "worker" means a person employed, directly or indirectly, in any industry or agriculture (including an apprentice), for hire or reward, to do any work, skilled or unskilled, manual, clerical or supervisory and includes any worker to whom any articles or materials are given to be manufactured, cleaned, washed, altered, ornamented, finished, repaired or
25 adopted or otherwise processed.

3. Every woman worker employed in any industrial or agricultural undertaking shall be paid the same rate of wages as male workers belonging to the same category and wage differentials shall
30 be based only on classification of work. Fixation of wages for women workers.

4. In industries or agriculture, where the semi-skilled or skilled workers are mainly women, the appropriate Government shall fix the wage differentials on the basis of skill, experience, efficiency and responsibility. Fix wage differentials.

35 5. (1) In fixing minimum rates of wages in industries or agriculture where the unskilled workers are mainly women, the appropriate Government shall appoint a Committee or Committees for different localities to fix wages which shall be notified in the Official Gazette. Procedure for fixation of wages and classification of work.

(2) In fixing wage differentials and effecting classification of work in industries or agricultural undertakings where women are employed, the Government shall appoint an Expert Committee to fix the rates of wages which shall be notified in the Official Gazette.

Appointment of competent authority to decide cases under the Act.

6. (1) The appropriate Government may appoint the Commissioner for Workmen's Compensation, a Judge of a Civil Court or a Stipendiary Magistrate to be the competent authority to decide on all claims arising out of payment of less wages to women workers for equal work. 5

(2) An appeal against any decision of the competent authority appointed under sub-section (1) may be made before a Court of Small Causes or the District Court. 10

Powers of the competent authority.

7. Every authority appointed under this Act shall have all the powers of a Civil Court for the purpose of taking evidence and enforcing attendance of witnesses and compelling the production of documents. 15

Penalties and procedure.

8. Any employer who does not pay equal wages to women workers for equal work or who discriminates against women workers in the matter of conditions of work or their promotions or who discriminates against married women workers or who discharges them on grounds of marriage shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. 20

Representation of Parties.

9. A woman worker who is a party to a dispute under the provisions of this Act may be represented in all proceedings under this Act, by— 25

(a) an officer of any trade union or peasant organisation; or

(b) a member or official of the women's organisation of which she is a member.

Framing of rules for the purposes of the Act.

10. (1) The appropriate Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 30

(2) Rules made under sub-section (1) may—

(a) prescribe the term of the office of members, the procedure to be followed in the conduct of the business, the method of voting, the manner of filling up of casual vacancies in membership and the quorum necessary for the transaction of the business of the Committees and Expert Committees appointed under section 5; 35

(b) prescribe the method of summoning of witnesses and production of documents relevant to the subject matter of the enquiry before the Committee and Expert Committee;

5

(c) prescribe the powers of the inspectors for the purposes of this Act; and

(d) provide for any matter which is to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS

The justification for statutory fixation of equal pay for women workers for equal work is obvious. Such provision exists in certain advanced countries. The principle is embodied in the Indian Constitution. The Equal Remuneration Convention of 1951 of the I.L.O. recommends the acceptance of equal pay for equal work by the member countries.

It is, therefore, necessary to enact legislation to the effect that in all industries and agriculture the lowest minimum wage for the unskilled workers both men and women shall be the same and that wage differential shall be based only on skill, experience, efficiency and responsibility and not on sex difference.

The Bill seeks to remove the undeserved discrimination against women and to ensure equal wage for them for equal work.

RENU CHAKRAVARTTY.

NEW DELHI;

The 30th August, 1957.

FINANCIAL MEMORANDUM

Under clause 5 of the Bill, the appropriate Governments shall appoint a committee or committees of different localities for fixing wage differentials. The expenditure in respect of the committees appointed by the State Governments will be met by the appropriate State Governments. The expenditure to be incurred by the Central Government in connection with appointment of committees for the Central undertakings, will depend upon the number of committees to be appointed. It is, therefore, not possible at present to estimate the actual expenditure to be incurred, but, it is expected that the expenditure will not be substantial.

Clause 6 of the Bill contemplates appointment of competent authority to decide cases under the Act. Such appointment is not likely to cause any extra expenditure as the persons to be appointed will already be under the employment of the appropriate Government.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10(1) of the Bill authorises the appropriate Government to make rules for carrying out the purposes of the Act. The ancillary matters on which rules may be framed have been enumerated in sub-clause (2) of that clause. The rule-making power is of a normal character.

M. N. KAUL,
Secretary.